



Federal Communications Commission
Washington, D.C. 20554

February 12, 2001

EB-00-IH-0339/RBP
ID# 71417

Dear Ms. Woods:

This is in response to your complaint against Station WRLR(FM), Homewood, Alabama for allegedly airing indecent material on September 20, 2000, between 7:10 a.m. and 7:30 a.m. during the "Lex and Terry" program.

While I understand that you are offended by the programming you describe, I do not believe that any FCC regulatory action can be taken in this case. Although it is a violation of federal law to broadcast indecent material between 6:00 a.m. and 10:00 p.m., based on the information you have provided, it does not appear that the material about which you complain is indecent. The Commission has defined indecency as material which, in context, depicts or describes sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards for the broadcast medium. The derogatory names and comments apparently broadcast about you are certainly offensive, but they are not indecent because they are not patently offensive as measured by contemporary standards for the broadcast medium. Accordingly, we are dismissing your complaint. For your information, we are including a fact sheet regarding indecency enforcement.

I recommend that you again try to voice your concerns to station management, as the views of station listeners will often influence a change in programming.

Sincerely,

A handwritten signature in black ink that reads "Charles W. Kelley". The signature is written in a cursive style with a large, sweeping initial "C".

Charles W. Kelley
Chief, Investigations and Hearings Division
Enforcement Bureau

Enclosure